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URGENT CARE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

vs.

RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR MEDICAL
GROUP, LLP dba UNIVERSITY URGENT
CARE, Does 1-100, and ROES 101-200,

Defendants.

AND RELATED CLAIMS.

Case No. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
STIPULATION AND JOINT STATUS
REPORT**

(First Request)

Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah, MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire & Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective attorneys of record, stipulate and agree as follows:

1. On July 17, 2023, the Court entered its Order [ECF No. 583] granting in part the Radar Parties’ Motion for Summary Judgment on Allstate’s Causes of Action in its First Amended Complaint [ECF Nos. 460/461]. The Court directed the parties to confer regarding which of the remaining 197 patients underlying Allstate’s causes of action should be dismissed in accordance with the Court’s decision and, by September 1, 2023, to prepare and file: (i) a stipulation and proposed order identifying those patients for whom the parties agree are subject to dismissal (the “Stipulation”); and (ii) a joint status report identifying those patients for whom the parties disagree are subject to dismissal, together with the parties’ respective positions (the “Joint Status Report”).

2. After analyzing the Court’s July 17, 2023 Order, a copy of which had been received in the mail on July 24, 2023, several members of the Radar Parties’ counsel spent a considerable amount of time reviewing – in detail – the 19 days of Fed. R. Civ. P. 30(b)(6) deposition transcripts for the Allstate Parties involving each of the patients underlying Allstate’s causes of action, together with the various exhibits to those transcripts and other pertinent documents relating or attached to the Radar Parties’ summary judgment motion. The same is true for the Allstate Parties’ counsel.

3. Upon completing their review, the Radar Parties’ counsel prepared an Excel spreadsheet containing the first and last names and claim numbers of the patients underlying Allstate’s causes of action and highlighting (in yellow) those patients who the Radar Parties reasonably believe are subject to dismissal pursuant to the Court’s July 17, 2023 Order.¹

4. On August 25, 2023, the Radar Parties’ counsel sent the Excel spreadsheet to the Allstate Parties’ counsel for review. The Radar Parties’ counsel requested that the Allstate Parties’

¹ The Radar Parties’ counsel also highlighted (in red) those patients who the Allstate Parties had previously dismissed from their causes of action.

counsel indicate whether they agreed with the Radar Parties' assessment. If not, the Radar Parties' counsel requested that the Allstate Parties' counsel remove the yellow highlighting for each patient for whom the Allstate Parties contend remains at issue. From there, the parties will discuss the reasons for and against dismissal of certain patients in a good faith attempt to limit the number of patients (if any) for whom the Court will decide are subject to dismissal.

5. Since receiving the Excel spreadsheet, several members of the Allstate Parties' counsel have been diligently comparing the patients highlighted in yellow on it with their own assessment of the patients who are or may be subject to dismissal pursuant to the Court's July 17, 2023 Order.

6. Due to the importance of identifying each patient who is subject to dismissal; scheduling conflicts for respective counsel for the parties;² and in order to allow the parties a full and complete opportunity to confer regarding which patients may, or may not, be subject to dismissal and then set forth, in writing, their reasons in the event that a consensus is not reached despite their best efforts, the parties respectfully request that the Court extend the deadline for compliance with the July 17, 2023 Order by two weeks, until September 15, 2023.

7. This is the first request to extend the deadline for filing the Stipulation and the Joint Status Report pursuant to the Court's July 17, 2023 Order; and

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² Within the last month, the Radar Parties' counsel have had to address time sensitive matters in other cases, including, without limitation, expert reports in two different cases and a reply brief on appeal in another case. Likewise, the Allstate Parties' counsel have had to handle a number of substantive filings in other cases, including, without limitation, the filing of two appellate briefs, an anti-SLAPP motion and a motion to dismiss in Federal Court, and an opposition to a motion to disqualify the firm in a California state court matter, along with depositions in various cases.

8. This stipulation is submitted in good faith and not to delay the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 31st day of August, 2023.

DATED this 31st day of August, 2023.

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: September 5, 2023